

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LINDA THOMPSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ARMY AND AIR FORCE EXCHANGE
SERVICE,

Defendants.

Civil Action No.

NOTICE OF REMOVAL OF A CIVIL ACTION

Pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1442, and 28 U.S.C. § 1446, Defendant Army and Air Force Exchange Service (“AAFES”), by and through undersigned counsel, hereby files this Notice of Removal (“Notice”). In support of this Notice, the following facts are relied upon:

1. Defendant is in receipt of a Summons and Complaint in the case *Linda Thompson v. Army and Air Force Exchange Service*, Case No. 2022LA001292, filed in the Third Judicial Circuit, Madison County, Illinois on October 14, 2022. The U.S. Attorney’s Office was served on November 4, 2022. A copy of the Summons and Complaint are attached hereto as Exhibit A.
2. AAFES is a joint non-appropriated fund instrumentality of the U.S. Army and U.S. Air Force within the Department of Defense.
3. In her Complaint, Plaintiff alleges that AAFES knowingly or recklessly failed to comply with the Fair and Accurate Transactions Act (“FACTA”), 15 U.S.C. § 1681g(c)(1), by disclosing certain credit and debit card account information on Plaintiff and other AAFES’s customers on printed purchase receipts at AAFES stores.

4. AAFES now hereby removes this action to the United States District Court for the Southern District of Illinois pursuant, *inter alia*, to 28 U.S.C. § 1442(a)(1). Section 1442(a)(1) authorizes the United States, or any agency thereof or any officer (or any person acting under that officer) of the United States or agency thereof sued in an official or individual capacity, to remove an action commenced in state court against them to the district court of the United States for the district and division embracing the place wherein it is pending. *See* 28 U.S.C. § 1442(a)(1); *see also Standard Oil Co. of Cal. v. Johnson*, 316 U.S. 481, 485 (1942) (exchanges are “arms of the government”). Section 1442(a) establishes an independent jurisdictional basis over cases removed by federal agencies. *See IMFC Prof. Services of Florida, Inc. v. Latin American Home Health, Inc.*, 676 F.2d 152, 156 (5th Cir. Unit B 1982) (“[Section] 1442 itself grants independent jurisdictional grounds over cases involving federal officers where a district court otherwise would not have jurisdiction.”).
5. Alternatively, this action may also be removed by AAFES pursuant to 28 U.S.C. § 1441(b) on the grounds that this is a civil action over which this district court of the United States would have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States. 28 U.S.C. § 1441, 28 U.S.C. § 1331.
6. Removal of this action by AAFES is timely because it has occurred within 30 days of the date on which the U.S. Attorney was served with a copy of the Plaintiff’s Complaint. *See* 28 U.S.C. § 1446(b)(1).

7. Pursuant to 28 U.S.C. § 1446(a), copies of “process, pleadings, and orders” served on Defendant AAFES are attached as exhibits to this Notice.
8. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal will be mailed to counsel for Plaintiff and copies of said notice will be filed with the Third Judicial Circuit Court for Madison County, Illinois.

WHEREFORE, this action is properly removed from the Third Judicial Circuit Court for Madison County, Illinois.

Dated: December 2, 2022

Respectfully submitted,

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Principal Deputy Assistant Attorney General
Civil Division

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/s/ Taylor Pitz
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically with the Clerk of Court on December 2, 2022 and was served by U.S. Mail on the following:

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